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February 13, 2012

Via- ECF:

United States District Court
Southern District of New York
Attn: Honorable Richard J. Holwell
500 Pearl Street
New York, NY 10007
(212) 805 4634

Re: Ava Wilkerson vs. National Railroad Passenger Corp.
Docket No. 1:11-cv-06429-RJH

Dear Honorable Richard J. Holwell,

We are writing this letter to inform the court that as of February 8, 2012, we were informed for the first time via Deputy Clerk William J. Donald that an initial conference had been scheduled in this case for January 6, 2012. We were unaware that any conference had been scheduled for January 6, 2012. We were additionally informed that a subsequent conference was scheduled for February 3, 2012, which resulted in the order dated January 11, 2012. We were also unaware of the subsequent conference of February 3, 2010 and the order dated January 11, 2012 until speaking with Deputy Clerk William J. Donald yesterday afternoon.

Our inability to appear at the January 6, 2012 initial conference and subsequent conference scheduled for February 3, 2012 has been attributed to the fact that we have not received any ECF email transmission to our e-mail address, Bwrightlaw1@yahoo.com. According to the ECF department, an incorrect internet provider was submitted in regards to our e-mail address. The correct e-mail address to which we receive e-mails is Bwrightlaw1@yahoo.com, however, the Southern District of New York was sending e-mails to Bwrightlaw1@aol.com which, is not a valid address of ours. On February 10, 2011, our office submitted ECF transmission from an Eastern District Court case which is presently being litigated before the Honorable Viktor V. Pohorelsky and the e-mail address being used is Bwrightlaw1@yahoo.com. We have never used the e-mail address Bwrightlaw1@aol.com and have only maintained the e-mail address Bwrightlaw1@yahoo.com with the Southern District and Eastern District courthouse. At present, we are investigating and correcting the matter via the ECF department.

In light of the foregoing and our good faith explanation for not appearing at the aforementioned conferences, the plaintiff has not dismissed their responsibilities in not appearing at the previously scheduled conferences and our non-appearance at said conferences were not in anyway equivocal to a "failure to prosecute." We are presently coordinating our efforts with the ECF department and correcting our e-mail address so that ECF transmissions are sent to Bwrightlaw1@yahoo.com.

On February 9, 2012, we contacted defense counsel for the first time, and they communicated that the Court has scheduled a conference for March 6, 2012 at 10:30 a.m. We are working with defense counsel on a proposed scheduled order in addition to Rule 26 disclosure in accordance with the Scheduling Order Requirements of the Honorable Judge Richard J. Holwell. Our office will be appearing on March 6, 2012. Thank you.

Very truly yours,

/s/ Brian P. Wright

Brian P. Wright, Esq.

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